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ART UNIT	PAPER NUMBER
2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/500094	Applicant(s) LETHERMAN et al
	Examiner WASYLCHAK	Group Art Unit 2164

—*The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address*—

P ri d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). .

Status

☒ Responsive to communication(s) filed on __2/8/00__ .

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disp sition of Claims

☒ Claim(s) __1 – 55__ is/are pending in the application.

    Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) __1 – 55__ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).
    ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
    ☐ received.
    ☐ received in Application No. (Series Code/Serial Number) _____ .
    ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

    *Certified copies not received: _____ .

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____   ☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892   ☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948   ☐ Other _____

Office Acti n Summary

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2.   Claims 1, 13, 14, 21-29, 36, 37, 39-42, 44-51 and 54 are rejected under 35

U.S.C. 102(b) or (e) as being unpatentable over Warn et al (US 5,831,861) *or* the article

"Comdex-Cisco's Chambers Sees A Virtual Future 11/16/99" (hereafter Comdex) *or*

"Networking CEO Predicts E-learning Wave: Cisco's John Chambers Calls Education

the Next Hot Growth Area for Internet Applications" (hereafter Cisco).

As per claim 1,

An interactive fuel dispensing system comprising:

-a plurality of fuel dispensers having at least one fueling position, each position

including a thin client comprising a dispenser controller, a display, an input device and

a browser running on said controller to provide an interactive graphical user interface; /

abstract; fig 1, 2 or Comdex: p 2 or Cisco: p 1.

-a local server associated with a fuel station store including a server controller and

associated software to provide local services to each said thin client; and / fig 2, col 1,

lines 1-11, lines 65 to col 2, line 2, col 2, lines 14-16

-each said thin client and said local server having network connections for

connecting to a network including remote servers, each said thin client adapted to

access local services from said local server and remote services from the remote

servers by manipulation of said graphical user interface./ col 2, lines 14-16, col 3, lines

12-23; col 5, lines 62-65. or Comdex: p 2 or Cisco: p 1.

As per claim 13,

The interactive fuel dispensing system of Claim I wherein said local services provided

by said local server interactively facilitate one or more of the group of services

consisting of point-of-sale functions, advertising, merchandising, ordering products,

ordering services, ordering food, providing local information, audio intercom and video

intercom. / col 5, lines 45-55 or Comdex: p 2 or Cisco: p 1.

As per claim 14,

The interactive fuel dispensing system of Claim 1 wherein said remote services

provided by the remote servers interactively facilitate one or more of the group of

services consisting of point-of-sale functions, advertising, merchandising, ordering

products, ordering services, providing remote information, audio intercom and video

intercom. / col 5, lines 45-55 Comdex: p 2 or Cisco: p 1.

As per claim 21,

An interactive fuel dispensing system comprising:

-a plurality of fuel dispensers having a controller and a plurality of fueling

positions each having a display, an input device and a software browser operatively

associated with said controller to form a graphical user interface at each fueling

position, each said graphical user interface being a client and connected to a network of

remote servers; / col 1, lines 1-11, col 3, lines 9-22 or Comdex: p 2 or Cisco: p 1.

-a local server connected to the network and being one of the remote servers; / col 1,

lines 1-11, lines 65 to col 2, line 2, col 3, lines 9-22 or Comdex: p 2 or Cisco: p 1.

-said local server adapted to provide local services to said clients when accessed; / col

2, lines 14-16, col 3, lines 12-23 col 5, lines 62-65 or Comdex: p 2 or Cisco: p 1.

-each said client adapted to access said local server to receive the local services

and access at least one remote server in the network to receive remote services; /

col 3, lines 12-23, col 5, lines 62-65 or Comdex: p 2 or Cisco: p 1.

-the local and remote services being selectable by a customer with said input

device, accessed via said browser, received by said controller and displayed to the

customer on said display; and / fig 1, 2, col 3, lines 12-23, col 5, lines 62-65 or Comdex:

p 2 or Cisco: p 1.

whereby the customer is provided an interface at one said fueling position capable of

interactively accessing local and remote services. / col 2, lines 14-16, col 3, lines 12-23

col 5, lines 62-65 or Comdex: p 2 or Cisco: p 1.

As per claim 22,

An interactive fuel dispensing system with Internet access comprising:

-a plurality of fuel dispensers having multiple fueling positions, each fueling

position being a thin client including a graphical user interface and a browser having a

connection to the Internet; fig 1, 2, col 3, lines 9-12 col 2, lines 14-16, col 3, lines 12-23

col 5, lines 62-65 or Comdex: p 2 or Cisco: p 1.

-a local server located within a fuel station store and having a connection to the

Internet; / fig 1, 2, col 2, lines 14-16, col 3, lines 12-23 col 5, lines 62-65 or Comdex: p 2

or Cisco: p 1.

-said local server adapted to interactively provide local services to said clients

through the Internet when accessed by one of said clients; and / col 2, lines 14-16, col

3, lines 12-23 col 5, lines 62-65 or Comdex: p 2 or Cisco: p 1.

-each of said clients adapted to interactively request local services provided by

said local server and remote services provided by remote servers on the Internet via

said browser; / col 2, lines 14-16, col 3, lines 12-23 col 5, lines 62-65 or Comdex: p 2 or

Cisco: p 1

    whereby the customer is provided an interface at the fueling position capable of

interactively accessing local and remote services. / col 2, lines 14-16, col 3, lines 12-23;

col 5, lines 62-65 or Comdex: p 2 or Cisco: p 1.

As per claim 23,

An interactive fuel dispenser having Internet access comprising two fueling positions,

each said position configured to act as a thin client and including a graphical user

interface and a browser having a connection to the Internet, each said client adapted to

interactively request local services provided by a local server in a fuel station store and

remote services provided by at least one remote server, said graphical user interface

providing a customer access to local or remote services as desired, whereby the

customer is provided an interface at the fueling position capable of interactively

accessing local and remote services. / fig 1, 2; col 2, lines 14-16, col 3, lines 12-23; col

5, lines 62-65 or Comdex: p 2 or Cisco: p 1.

As per claim 24,

 An interactive multimedia fuel dispenser for providing multimedia application

comprising a control system, a display, an input device and a network connection for

connecting to a local server providing interactive services to provide a graphical user

interface, said control system including a hypertext mark-up language (HTML) browser

for accessing services provided by a local server connected to connected network using

hypertext transfer protocol (HTTP). / fig 1, 2; col 2, lines 14-16, col 3, lines 12-23; col 5,

lines 62-65 or Comdex: p 2 or Cisco: p 1.

As per claim 25,

The interactive multimedia dispenser of Claim 24 wherein said services provide for

pump operation. / fig 1, 2 (i/o ports to interface multimedia sockets) or Comdex: p 2 or

Cisco: p 1.

 As per claim 26,

The interactive multimedia dispenser of Claim 24 wherein said services provide for

display content. / col 2, lines 14-16, col 3, lines 12-23 col 5, lines 62-65 or Comdex: p 2

or Cisco: p 1

As per claim 27,

The interactive multimedia dispenser of Claim 24 wherein said services provide for

customer interactivity with one or more of the group consisting of point-of-sale functions,

advertising, merchandising, ordering products, ordering services, ordering food,

providing local information, audio intercom and video intercom. / col 5, lines 45-55 or

Comdex: p 2 or Cisco: p 1

As per claim 28,

 The interactive multimedia dispenser of Claim 24 wherein said graphical user interface

and browser are adapted to access services from a local server to provide interactive

presentations to a customer. / col 5, lines 45-55 or Comdex: p 2 or Cisco: p 1

As per claim 29

 A method of providing an interactive fueling operation comprising:

- providing an interactive graphical user interface at a fueling position on a fuel

dispenser; / fig 1, 2 (i/o ports are interface devices or Comdex: p 2 or Cisco: p 1

-displaying information to a customer at the graphical user interface from a server

 spaced from the fuel dispenser, by delivery over a network; / abstract, fig 1, 2 or

Comdex: p 2 or Cisco: p 1

- prompting a customer to select a service with the displayed information; / fig 1, 2 or

Comdex: p 2 or Cisco: p 1

- receiving a response from the customer identifying a selected service to be provided

by the server; / fig 1, 2, col 5, lines 45-55 or Comdex: p 2 or Cisco: p 1

-transferring the response from the dispenser to the server over the network; and / fig 1,

2 or Comdex: p 2 or Cisco: p 1

 -transmitting a service from the server over the network to the fueling position

based on the customer response at the fueling position. / fig 1, 2 or Comdex: p 2 or

Cisco: p 1

As per claim 36,

An interactive fuel dispenser system comprising: a housing, said housing including a

controller, a display, an input device and a browser running on said controller to provide

an interactive graphical user interface, a fuel supply line, a metering device, an outlet

hose, and a nozzle to permit the dispensing of fuel, and data sources for said browser

which are hypertext mark-up language (HTML) compliant to facilitate assembly on said

display. / fig 1, 2 or Comdex: p 2 or Cisco: p 1

As per claim 37,

-An interactive dispenser system as claimed in claim 36 wherein said data sources

include a local server associated with a fuel station store including a server controller

and associated software to provide local services to each said browser; and / abstract;

fig 1, 2 or Comdex: p 2 or Cisco: p 1.

-said browser and said local server having network connections for connecting to a

network including remote servers, said browser adapted to access local services from

said local server by manipulation of said graphical user interface. / abstract; fig 1, 2 or

Comdex: p 2 or Cisco: p 1.

As per claim 39,

The interactive fuel dispensing system of Claim 36 wherein said local server includes a

link to a remote service provided by a remote server and said client is adapted to

request said remote service by accessing said local server, which in turn accesses said

remote server via said link. / col 2, lines 14-16, col 3, lines 12-23; col 5, lines 62-65. or

Comdex: p 2 or Cisco: p 1.

As per claim 40,

The interactive fuel dispensing system of Claim 36 wherein each said local server

includes a plurality of links to one or more servers, which provide a plurality of services,

said client being configured to access said local server, which provides said links to said

remote servers, wherein addresses of said servers and services are not required at said

client. / col 1, lines 5-11, col 2, lines 14-16, col 3, lines 12-23; col 5, lines 62-65. or

Comdex: p 2 or Cisco: p 1.

As per claim 41,

The interactive fuel dispensing system of Claim 36 wherein said network is The

Internet. / fig 1, 2, col 5, lines 45-65, col 2, lines 14-16, col 3, lines 12-23; col 5, lines 62-

65. or Comdex: p 2 or Cisco: p 1.

As per claim 42,

The interactive fuel dispensing system of Claim 37 wherein said local services provided

by said local server interactively facilitate one or more of the group of services

consisting of point-of-sale functions, advertising, merchandising, ordering products,

ordering services, ordering food, providing local information, audio intercom and video

intercom. / col 5, lines 45-55 col 2, lines 14-16, col 3, lines 12-23; col 5, lines 62-65. or

Comdex: p 2 or Cisco: p 1.

As per claim 44,

The interactive fuel dispensing system of Claim 43 wherein each said fueling position of each said fuel dispenser further includes a microphone and speaker electronically associated with said controller and adapted to provide bi-directional voice communications between said fueling positions and a fuel station store via the network. / fig 1, 2 (i/o is interface for multimedia) or Comdex: p 2 or Cisco: p 1.

As per claim 45,

An interactive multimedia fuel dispenser for providing multimedia application comprising

-a control system, / fig 1, 2 (i/o is interface for multimedia) or Comdex: p 2 or Cisco: p 1.

- a display, an input device and / fig 1, 2 (i/o is interface for multimedia) or Comdex: p 2 or Cisco: p 1.

-a connection to a data source providing interactive services to provide a graphical user interface, said control system including a hypertext mark-up language (HTML) browser for accessing services provided by said data source using hypertext transfer protocol (HTTP). / fig 1, 2 (i/o is interface for multimedia) or Comdex: p 2 or Cisco: p 1.

As per claim 46,

The interactive multimedia dispenser of Claim 45 wherein said services provide for display content. / fig 1, 2 (i/o is interface for multimedia) or Comdex: p 2 or Cisco: p 1.

As per claim 47,

The interactive multimedia dispenser of Claim 45 wherein said services provide for customer interactivity with one or more of the group consisting of point-of-sale functions,

advertising, merchandising, ordering products, ordering services, ordering food,

providing local information, audio intercom and video intercom. / fig 1, 2 (i/o is interface

for multimedia), col 5, lines 45-55 or Comdex: p 2 or Cisco: p 1.

As per claim 48,

 The interactive multimedia dispenser of Claim 45 wherein said graphical user interface

and browser are adapted to access services from a local server to provide interactive

presentations to a customer. / fig 1, 2 (i/o is interface for multimedia), col 5, lines 45-55

or Comdex: p 2 or Cisco: p 1.

As per claim 49,

 A method of providing an interactive fueling operation comprising:

-providing an interactive graphical user interface at a fueling position on a fuel

dispenser; / fig 1, 2 (i/o is interface for multimedia), col 5, lines 45-55 or Comdex: p 2 or

Cisco: p 1.

-displaying information to a customer at the graphical user interface from a data

 source; / fig 1, 2 (i/o is interface for multimedia), col 5, lines 45-55 or Comdex: p 2 or

Cisco: p 1.

-prompting a customer to select a service with the displayed information; / fig 1, 2 (i/o is

interface for multimedia), col 5, lines 45-55 or Comdex: p 2 or Cisco: p 1.

-receiving a response from the customer identifying a selected service to

be provided; / fig 1, 2 (i/o is interface for multimedia), col 5, lines 45-55 or Comdex: p 2

or Cisco: p 1.

-transmitting a service to the fueling position based on the customer response at the fueling position. / fig 1, 2 (i/o is interface for multimedia), col 5, lines 45-55 or Comdex: p 2 or Cisco: p 1.

As per claim 50,

The method of Claim 49 wherein the delivery transfer and transmission are over the Internet. / fig 1, 2 (i/o is interface for multimedia), col 5, lines 45-55 or Comdex: p 2 or Cisco: p 1.

As per claim 51,

The method of Claim 49 wherein the information displayed is

advertising information. / fig 1, 2 (i/o is interface for multimedia), col 5, lines 45-55 or Comdex: p 2 or Cisco: p 1.

As per claim 54,

The method of Claim 49 wherein the information displayed is live video information of a person communicating with the customer to provide a video intercom. / fig 1, 2 (i/o is interface for multimedia), col 5, lines 45-55 or Comdex: p 2 or Cisco: p 1.

3.   Claims 4-6, 30-35, 38, 52, 53 and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by " Comdex - Cisco's Chambers Sees a Virtual Future 11/16/99 " (hereafter Comdex), or "Networking CEO Predicts E-learning Wave: Cisco's John Chambers Calls Education the Next Hot Growth Area for Internet Applications" (hereafter Cisco).

As per claim 4,

 The interactive fuel dispensing system of Claim I wherein each said thin client, said

local server and the remote servers use hypertext transfer

protocol (HTTP). / Comdex, p 2; Cisco, p 1

As per claim 5,

The interactive fuel dispensing system of Claim 1 wherein said thin client and said local

server use hypertext mark-up language (HTML) software and hypertext transfer protocol

(HTTP) to provide interactivity and access to the local and remote services. / Comdex, p

2; Cisco, p 1

As per claim 6,

 The interactive fuel dispensing system of Claim 1 wherein components of each said

thin client are hypertext mark-up language (HTML) compliant. / Comdex, p 2; Cisco, p 1

As per claim 30,

 The method of Claim 29 wherein the delivery transfer and transmission are over the

Internet. / Comdex, p 2; Cisco, p 1

As per claim 31,

 The method of Claim 29 wherein the information displayed is advertising information. /

Comdex, p 2; Cisco, p 1

As per claim 32,

 The method of Claim 29 wherein the information displayed is one of the group

consisting of news, weather, sports, traffic updates and maps. / Comdex, p 2;

Cisco, p 1

As per claim 33,

The method of Claim 29 wherein the information displayed is merchandising

information providing the customer an opportunity to select from one or more items

displayed. / Comdex, p 2; Cisco, p 1

As per claim 34,

The method of Claim 29 wherein the information displayed is live video information of a

person communicating with the customer to provide a video intercom. / Comdex: p 2 or

Cisco: p 1.

As per claim 35,

The method of Claim 29 further including using hypertext markup language and

hypertext transfer protocol to carryout the step of displaying, prompting, receiving,

transferring and providing. /   Comdex: p 2 or Cisco: p 1.

As per claim 38,

The interactive fuel dispensing system of Claim 36 wherein said browser and said local

server use hypertext transfer protocol / Comdex: p 2 or Cisco: p 1.

As per claim 52,

The method of Claim 49 wherein the information displayed is one of the group

consisting of news, weather, sports, traffic updates and maps. / Comdex: p 2 or Cisco:

p 1.

As per claim 53,

The method of Claim 49 wherein the information displayed is merchandising

information providing the customer an opportunity to select from one or more items

displayed. / Comdex: p 2 or Cisco: p 1.

As per claim 55,

The method of Claim 49 further including using hypertext markup language and

hypertext transfer protocol to carryout the step of displaying, prompting, receiving,

transferring and providing. / Comdex: p 2 or Cisco: p 1.

4.   Claims 2, 3, 7-12, 15-20 and 43 are rejected under 35 U.S.C. 102(b) as being

anticipated by Warn et al.(US 5,831,861).

As per claim 2,

The interactive fuel dispensing system of Claim 1 wherein certain of said services are

automatically accessed by said client. / fig 1, 2; col 5, lines 45-55As per claim 3,

The interactive fuel dispensing system of Claim 1 wherein certain said services are

accessed by said client when prompted by a customer. / fig 1, 2

As per claim 3,

The interactive fuel dispensing system of Claim 1 wherein certain said services are

accessed by said client when prompted by a customer. / fig 1, 2

As per claim 7,

The interactive fuel dispensing system of Claim 1 wherein said local server includes a

link to a remote service provided by a remote server and said client is adapted to

request said remote service by accessing said local server, which in turn accesses said

remote server via said link. / col 5, lines 55-65

As per claim 8,

 The interactive fuel dispensing system of Claim 1 wherein each said local server

 includes a plurality of links to one or more servers, which provide a plurality of services,

 said client being configured to access said local server, which provides said links to said

 remote servers, wherein addresses of said servers and services are not required at

 each said client. / col 5, lines 55-65

 As per claim 9,

 The interactive fuel dispensing system of Claim I wherein said clients are configured to

 directly access once of the remote services provided by one of the

 remote servers. / col 5, lines 45-65

As per claim 10,

 The interactive fuel dispensing system of Claim 1 wherein said network is

 The Internet. / col 5, lines 55-65

As per claim 11,

 The interactive fuel dispensing system of Claim I wherein said dispenser controller

 operates said graphical user interface and facilitates interactivity with a customer to

 access the local and remote services, and computer intensive functions at each fueling

 position are provided as services from said local server or one of the remote servers on

 the network. / col 5, lines 45-65

As per claim 12,

The interactive fuel dispensing system of Claim I wherein said dispenser controller

provides interactivity at said client and relies on said local server and the remote servers

to carry out computer intensive functions associated with the services. / col 5,

lines 55-65

As per claim 15,

The interactive fuel dispensing system of Claim 1 wherein each said fueling position in

one said fuel dispenser shares one dispenser controller with another fueling position in

said fuel dispenser. / col 3, lines 9-22; col 11, lines 29-37

As per claim 16,

The interactive fuel dispensing system of Claim 1 wherein each said fueling position has

a separate dispenser controller. / col 3, lines 24-55

As per claim 17,

The interactive fuel dispensing system of Claim 1 wherein each said fueling position

of each said fuel dispenser further includes a card reader for facilitating payment for

products or services. / col 5, lines 45-55

As per claim 18,

The interactive fuel dispensing system of Claim 1 wherein each said fueling position of

each said fuel dispenser further includes a microphone and speaker electronically

associated with said controller and adapted to provide bi-directional voice.

communications between said fueling positions and a fuel station store

via the network. / fig 1, 2

As per claim 19,

The interactive fuel dispensing system of Claim 18 wherein said controller includes an

audio signal processor and provides said bi-directional audio communications to said

local server located in the fuel station store via the network. / col 2, lines 14-16, col 3,

lines 12-23; col 5, lines 62-65 or Comdex: p 2 or Cisco: p 1.

As per claim 20,

The interactive fuel dispensing system of Claim 19 wherein each said fueling positions

of each said fuel dispenser includes a camera and said local server includes a camera

and display wherein video signals are transmitted between said fueling position

and said local server to provide a video intercom via the network / fig 1, 2 (i/o ports to

interface multimedia sockets)

As per claim 43,

The interactive fuel dispensing system of Claim 36 wherein said dispenser housing has

two fueling positions and each said fueling position has a separate dispenser

controller. / col 3, lines 24-45

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Steven R. Wasylchak whose

telephone number is (703) 308-2848. The examiner can normally be reached on

Monday-Friday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art

Unit 2164 is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is

(703) 305-3900.

Steven Wasylchak

9/10/01

VINCENT MILLIN
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